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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON

11 JEFFREY J. HISER,

12 Plaintiff,

13 vs.
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15 MICHAEL J. ASTRUE,
16 Commissioner of Social Security,

17 Defendant

Civil No. C08-1058-RSM

ORDER FOR REMAND

18 Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision
19 in regard to Plaintiff's application for disability benefits under Title XVI of the Social Security Act
20 be reversed and remanded to the Commissioner of Social Security for further administrative
21 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ will hold a de
22 novo hearing and Plaintiff may raise any issue. The ALJ will: (1) Correct the record with regard
23 to Exhibit 41 (incomplete) and Exhibit 44 (missing); (2) Consider the basis for cessation of
24 disability found by the State agency; (3) Obtain testimony from a medical expert to clarify whether
25 Plaintiff has had medical improvement; (4) Reevaluate the medical evidence and, if appropriate,
26 request additional evidence or further clarification of the opinions and medical source statements;
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3 (5) Reevalue Plaintiff's credibility and residual functional capacity (RFC); and (6) Obtain
4 vocational expert testimony regarding Plaintiff's ability to perform past relevant work or other
5 work, with reevaluated RFC and new hypothetical.

6 Plaintiff is entitled to seek costs and reasonable attorney fees pursuant to the Equal Access
7 to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

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9 DATED this _18_ day of _February_ 2009.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE

15 Recommended for Entry
16 this 13th day of February, 2009.

17 s/ Mary Alice Theiler
18 United States Magistrate Judge

19 Presented by:

20
21 s/ Thomas M. Elsberry
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24 Attorney for Defendant
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